
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH

UNITED STATES OF AMERICA,
Plaintiff,

v.

MICHAEL RICHARD BALENTI,
Defendant.

MEMORANDUM DECISION AND
ORDER DENYING WITHOUT
PREJUDICE DEFENDANT’S
STIPULATED MOTION TO CONTINUE

Case No. 2:16-CR-167 TS

District Judge Ted Stewart

This matter is before the Court on Defendant’s Stipulated Motion to Continue.

Defendant seeks to continue the trial date currently set for June 14, 2016. Defendant indicates that the government has stipulated to the Motion.

The Court finds that Defendant has failed to present adequate grounds for a continuance. Defendant does not state any particular need for the continuance. Indeed, Defendant does not provide any reason for his request. While Defendant has requested a new trial date at the end of July, Defendant has failed to explain why that additional time is required.

Further, Defendant has failed to provide the Court with sufficient information to exclude time under the Speedy Trial Act. Should Defendant seek an ends-of-justice continuance under the Speedy Trial Act, he must provide the Court with sufficient information to find that the continuance “outweigh[s] the best interests of the public and the defendant in a speedy trial.”¹ The Court must set forth, either orally or in writing, the reasons for that finding. The record “must contain an explanation of why the mere occurrence of the event identified by the party as

¹ 18 U.S.C. § 3161(h)(7)(A).

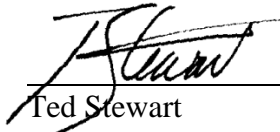
necessitating the continuance results in the need for additional time.”² “A record consisting of only short, conclusory statements lacking in detail is insufficient.”³ Further, “[s]imply identifying an event, and adding the conclusory statement that the event requires more time for counsel to prepare, is not enough.”⁴ Counsel must discuss how much time is needed to prepare for trial and what preparations have already been made. Without this information, the Court cannot “adequately determine whether denying the continuance would deprive defense counsel of the ‘reasonable time necessary for effective preparation, taking into account the exercise of due diligence.’”⁵

It is therefore

ORDERED that Defendant’s Stipulated Motion to Continue (Docket No. 20) is DENIED WITHOUT PREJUDICE.

DATED this 7th day of June, 2016.

BY THE COURT:



Ted Stewart
United States District Judge

² *United States v. Toombs*, 574 F.3d 1262, 1271 (10th Cir. 2009).

³ *Id.*

⁴ *Id.* at 1271–72.

⁵ *United States v. Larson*, 627 F.3d 1198, 1207 (10th Cir. 2010) (quoting 18 U.S.C. § 3161(h)(7)(B)(iv)).